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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Connecticut Department of Public Utility	)	RM No. 9258
Control Petition for Rulemaking	)	

To: The Commission

COMMENTS OF SNET CELLULAR, INC., SNET MOBILITY, INC.
AND SPRINGWICH CELLULAR LIMITED PARTNERSHIP

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May 7, 1998

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Summary

SNET Cellular, Inc., SNET Mobility, Inc. and Springwich Cellular Limited Partnership (collectively the "SNET Wireless Companies") oppose the Connecticut Department of Public Utility Control ("CTDPUC") petition for rulemaking to revise Section 52.19(c) of the Commission's rules. In particular, the CTDPUC is proposing that the Commission amend those aspects of Section 52.19(c) that prohibit the implementation of service-specific or technology-specific area code overlays.

The Commission first addressed this issue in the *Ameritech Order,* wherein the Commission found that the proposal for a wireless-only overlay was unreasonable and discriminatory in violation of Sections 201(b) and 202(a) of the Communications Act of 1934, as amended (the "Act"). In particular, the Commission found unlawful Ameritech's proposal to exclude wireless carriers only from further assignments of NXX codes within the old area code, to require the take back from and assignment of new telephone numbers to wireless customers only, and to assign NXX codes from the new area code to wireless carriers only. In the *Local Competition Order,* the Commission clarified the *Ameritech Order* to indicate that all service-specific or technology-specific area code overlays were unlawful and codified its principles for area code relief in Section 52.19 of the rules.

The only change in circumstances since the *Ameritech Order* was released on January 23, 1995 and the *Local Competition Order* was released on August 8, 1996, is that the level of wireless competition has increased, and as a result there exists increased potential for competition between wireless and wireline services. The Commission specifically adopted a technology-neutral numbering policy to encourage competition between technologies. Therefore, CTDPUC's claim that such a policy is not needed because there is no competition between wireline and wireless services is unpersuasive. In reality, the framework to allow competition to develop has only recently been put in place, and thus, the Commission's policies need an opportunity to work.

A service-specific overlay would not promote efforts at number conservation. The implementation schedule for both wireline and wireless local number portability is being driven by technical issues unrelated to number assignment issues. It is premature to consider the effects of a wireless-only overlay on number pooling because number pooling is not yet ready for implementation, as the Commission will not be adopting nationwide standards until late in 1999. Nevertheless, the question of whether wireless and wireline carriers share area codes or have separate area codes does not affect when area code relief is needed. The only thing that affects the need for area code relief is whether there are enough NXX codes within an area code to meet numbering needs.

The initiation of a rulemaking proceeding will not serve the public interest. It is unnecessary to initiate a proceeding to amend recently adopted rules when the only change in circumstances further justifies the existence of the rule. Contrary to the technology-neutral principles established

by the Commission in the *Ameritech Order,* a service-specific overlay would adversely impact wireless customers, but would have no impact on wireline customers. Lastly, the initiation of a rulemaking proceeding would delay urgently needed area code relief in Connecticut.

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SNET Cellular, Inc. ("SNET Cellular"), SNET Mobility, Inc. ("SNET Mobility) and Springwich Cellular Limited Partnership ("Springwich") (collectively the "SNET Wireless Companies") by their attorneys and pursuant to Section 1.405 of the Commission's rules, hereby file their comments opposing the petition for rulemaking filed by the Connecticut Department of Public Utility Control ("CTDPUC"). In its petition, the CTDPUC asks the Commission to amend Section 52.19 of the Commission's rules which governs area code relief. CTDPUC is seeking an amendment that would permit CTDPUC to implement a wireless-only area code overlay in Connecticut. As the SNET Wireless Companies explain below, CTDPUC's requested amendment is not in the public interest, will inhibit competition from wireless carriers and is unreasonable and discriminatory in violation of Sections 201(b) and 202(a) of the Communications Act of 1934, as amended (the "Act").

I. Background

A. Prior Commission History

The Commission first addressed the issue of service-specific overlays in the *Ameritech*

Order[1], wherein it ruled that a proposal by Ameritech to migrate all wireless customers to a new wireless-only area code constituted unjust or unreasonable discrimination in violation of 47 C.F.R. §202(a)[2] and constituted an unjust and unreasonable practice in violation of 47 C.F.R. §210(b).[3] The Commission specified three elements of Ameritech's proposal that were objectionable under the Act. First was the "exclusion" proposal, wherein Ameritech would continue to assign NXXs within the old area code to wireline carriers, but would exclude wireless carriers from such assignments. Second was the "take back" proposal, wherein Ameritech would require all wireless carriers to take back from their customers all telephone numbers within the old area code so that such customers could be assigned numbers from the new area code, while no such requirement was placed on the wireline carriers. Third was the "segregation" proposal, wherein Ameritech would assign all numbers from the new area code to wireless carriers and from the old area code to wireline carriers.[4] The Commission specifically stated that each of the three elements violated the Communications

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[1] *Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech - Illinois,* 10 FCC Rcd 4596 (1995).

[2] 47 C.F.R. §202(a) states:

> It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class or persons, or locality to any undue or unreasonable prejudice or disadvantage.

[3] 47 C.F.R. §201(b) states in pertinent part:

> All charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is declared to be unlawful. . . .

[4] *Ameritech Decision,* 10 FCC Rcd at 4608, 4611.

Act.[5] As a result, Ameritech was prohibited from implementing a wireless-only area code overlay.

The following year, the Commission revisited the *Ameritech Order* in the *Local Competition Order.*[6] Looking back at the *Ameritech* proceeding, the Commission said:

> In the *Ameritech Order*, we stated that any area code relief plan that becomes effective should strike an optimal balance among three objectives Ameritech had identified: (1) an optimal dialing plan for customers; (2) as minimal a burden as feasible; and (3) an uninterrupted supply of codes and numbers. We further found that the optimal balance must assure that any burden associated with the introduction of the new numbering code falls in an evenhanded a way as possible upon all carriers and customers affected by its introduction." *Ameritech Order*, 10 FCC Rcd at 4611.[7]

In the *Local Competition Order,* however, the Commission went further and "clarified the *Ameritech Order* by prohibiting all service-specific and technology-specific area code overlays." The Commission added:

> . . . [W]e conclude that any overlay that would segregate only particular types of telecommunications services or particular types of telecommunications technologies in discrete area codes would be unreasonably discriminatory and would prohibit competition. We therefore clarify the *Ameritech Order* by explicitly prohibiting all service-specific or technology-specific area code overlays because every service-specific or technology-specific overlay plan would exclude certain carriers or services from the existing area code and segregate them in a new area code. Among other things, the implementation of a service or technology specific overlay requires that only existing customers of, or customers changing to, that service or technology change their numbers. Exclusion and segregation were specific elements of Ameritech's proposed plan, each of which the Commission held violated the Communications Act of 1934.[8]

The Commission codified these principles in part 52 of its rules. Specifically, 47 C.F.R.

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5 *Id.* at 4611.

6 *Implementation of the Local Competition Provisions of the Telecommunications Act of 1966,* 11 FCC Rcd 19392 (1996).

7 *Local Competition Order* at 19524 n.643.

8 *Id.* at 19518.

§52.19(c) states in pertinent part:

> (c) New area codes may be introduced through the use of:
>
> (1) A geographic area code split. . .
>
> (2) An area code boundary realignment. . . or
>
> (3) An area code overlay, which occurs when a new area code is introduced to serve the same geographic area as an existing area code, subject to the following conditions:
>
> (i) No area code overlay may be implemented unless all central office codes in the new overlay area code are assigned to those entities requesting assignment on a first-come, first serve basis, regardless of the identity of technology used by, or type of service provided by that entity. No group of telecommunications carriers shall be excluded from assignment of central office codes in the existing area code, or be assigned such codes only from the overlay area code, based solely on that group's provision of a specific type of telecommunications service or use of a particular technology;
>
> (ii) No area code overlay may be implemented unless there exists, at the time of implementation, mandatory ten-digit dialing for every telephone call within and between all area codes in the geographic area covered by the overlay area code; and
>
> (iii) No area code overlay may be implemented unless every telecommunications carrier, including CMRS providers, authorized to provide telephone exchange service, exchange access, or paging service in that NPA 90 days before introduction of the new overlay area code, is assigned during that 90 day period at least one central office code in the existing area code.

In other words, Section 52.19(c)(3)(i) specifically prohibits a service-specific or technology-specific area code overlay, and Section 52.19(c)(3)(ii) specifically requires ten-digit dialing within an area code at the time an area code overlay is implemented.

B. The CTDPUC Petition

In its petition, the CTDPUC argues that it has been investigating area code relief since October 1996 and that "the overwhelming suggestion made by members of the general public was

to assign area codes to specific telecommunications services and/or technologies."[9] The CTDPUC states that in Connecticut, competition is evident in the wireline telecommunications industry and in the wireless telecommunications industry.[10] However, the CTDPUC goes on to argue that "despite CTDPUC's policies and actions to promote telecommunications competition, no competition between the wireline and wireless industries currently exists. Not does it appear that competition between the two industries will exist in the very near future."[11] Thus, the CTDPUC concludes: "Until such time as competition has been determined to exist between these industries, the Commission's concern of anticompetitive effects arising from a service specific overlay should not materialize."[12] The CTDPUC added that a wireless-only area code would be beneficial to wireline subscribers if calling party pays is adopted for wireless services because it will help callers identify whether the call is being made to a wireless telephone.

C. The Commission's Public Notice

In its Public Notice,[13] the Commission seeks comment on whether the Commission should initiate a rulemaking on the issues raised by the CTDPUC in its petition. In particular, the Commission seeks comment on the following two issues:

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9 CTDPUC petition at 5-6.

10 *Id.* at 7-8.

11 *Id.* at 8.

12 *Id.* at 10.

13 Connecticut Department of Public Utility Control Files Petition for Rulemaking, Public Comment Invited (RM No. 9258), DA 98-743, released April 17, 1998.

1. What circumstances, if any, have changed since the Commission originally prohibited technology-specific or service-specific area code overlays that would warrant a change in the rule; and

2. How service-specific overlays would affect number conservation, local number portability for both wireless and wireline carriers, number pooling, and any other relevant initiatives pertaining to telecommunications numbering resources.

II. Discussion

A. Changed circumstances further justify the Commission prohibition of technology-specific and service-specific area code overlays.

The *Ameritech Order* was released on January 23, 1995, and the *Local Competition Order* was released on August 8, 1996, less than two years ago. The *Local Competition Order* was one of many Commission decisions issued that year to implement the Telecommunications Act of 1996 (the "1996 Act"). The 1996 Act was adopted by Congress for the purpose of promoting competition in telecommunications, and it relied heavily on the FCC implementing the act by adopting new regulations that would facilitate the new competition desired by Congress.

The pro-competitive effects of the 1996 Act and subsequent Commission regulations will not be seen overnight. Rather, the 1996 Act established a framework for restructuring the telecommunications landscape so that competitors can enter the market and bring innovative service offerings at competitive rates to the public.[14] To this end, in the *Local Competition Order,* the Commission stated: "Our goal is to have technology-blind area code relief that does not burden or favor a particular technology."[15]

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[14] *Telephone Number Portability,* First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 95-116, 11 FCC Rcd 8352 (1996), at para. 2.

[15] *Local Competition Order,* 11 FCC Rcd at 19528.

The CTDPUC's suggestion that Commission policy need not be technology neutral because wireline and wireless telecommunications services do not compete with each other is a self-fulfilling prophecy. If policies are established that inhibit the two technologies from competing, they will never have a chance to compete with each other. Rather, the Commission should continue its technology-neutral numbering policies so as to facilitate the opportunities for competition. As the Commission has stated in *Telephone Number Portability*, "The development of CMRS is one of several potential sources of competition that we have identified to bring market forces to bear on the existing LECs."[16]

It may take some time for competition to develop between wireline and wireless telecommunications, and it is impossible to foresee at this time what form such competition may take. The implementation of digital technologies for cellular services and the roll-out of personal communications service ("PCS") and enhanced specialized mobile radio service ("E-SMR") is resulting in smaller and better customer equipment, better transmission quality and competitive pricing. As a result, over time, it is anticipated that customer usage will increase and that customers will begin to use their wireless devices in place of wired devices. If such a trend were to develop and continue, wireless services could indeed compete directly with wireline services. It is exactly this competitive future that Congress envisioned and that the Commission's non-discriminatory numbering policies are intended to support and facilitate.

But the CTDPUC wants to inhibit the opportunity for competition between wireline and wireless services at a time when competition is just beginning. In effect, the CTDPUC has

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[16] *Telephone Number Portability,* 11 FCC Rcd 8352, at para. 160, quoting *Southwestern Bell Mobile Systems, Inc.,* 11 FCC Rcd 3386, 3395 (1995).

concluded that competition between wireline and wireless telecommunications services does not exist before we are barely out of the starting gate. Since the issuance of the *Ameritech Order* and the *Local Competition Order,* the only change in circumstances is that wireless competition has increased. As discussed above, this increase in wireless competition will make it possible for competition to develop between wireline and wireless services. In its *Second Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services,* the Commission stated the following:

> Wireless services do not yet approach the ubiquity of wireline telephone service, but there are a number of trends apparent in the increased use of wireless telephony that may point to the eventual use of wireless telephony as not just a supplementary communications tool to traditional wireline telephone service but as a substitute for such service.[17]

Thus, the Commission's technology-neutral numbering policies must stand.

B. A service-specific overlay would not promote efforts at number conservation.

The implementation of service-specific overlays will not advance number conservation, local number portability and number pooling. The Commission set its deadlines for phasing in the implementation of wireline local number portability in CC Docket No. 95-116.[18] Although the Commission has permitted various extensions of these dates, the extensions have all been for technical reasons unrelated to number assignment policies. The Commission also set June 30, 1999

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[17] *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services,* Second Report, released March 25, 1997, at page 53.

[18] *Telephone Number Portability,* First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 95-116, 11 FCC Rcd 8352 (1996).

as the implementation deadline for wireless local number portability.[19] The deadline for wireless is later than that for wireline because the technical issues associated with the mobility of the customer and the need to maintain nationwide roaming capabilities[20] make the implementation of wireless local number portability technically difficult.[21]

In the final analysis, the implementation schedule of both wireline and wireless local number portability is being driven by technical issues unrelated to number assignment issues. Local number portability is unaffected by whether numbering shortages are resolved by geographic split or by area code overlay. Local number portability is equally unaffected by whether the area code overlay is an all services overlay or a service-specific or technology-specific overlay.

Similarly, although number pooling, once it is available, may be able to temporarily postpone the implementation of area code relief, number pooling is not yet available because the technical issues of number pooling still need to be worked out. In recognition of this problem, on March 23, 1998, A. Richard Metzger, Jr., Chief, Common Carrier Bureau, wrote to Alan C. Hasselwander,

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19 *Id.*

20 *Id.* at para. 166.

21 The Cellular Telecommunications Industry Association ("CTIA") requested that the June 30, 1999 date be postponed until March 31, 2000 because the task of working out the technical solutions necessary to implement wireless number portability has proven more complex than originally envisioned. *Telephone Number Portability,* CC Docket No. 95-116, Petition for Extension of Implementation Deadlines of the Cellular Telecommunications Industry Association, November 24, 1997. More recently, CTIA has requested that the Commission forbear from enforcing the June 30, 1999 implementation deadline for CMRS service provider number portability until the five-year build-out period for broadband personal communications services ("PCS") has expired. *Wireless Telecommunications Bureau Seeks Comment on CTIA Petition Requesting Forbearance from CMRS Number Portability Requirements CC Docket No. 95-116,* FCC Public Notice DA 98-111, released January 22, 1998.

Chairman, North American Numbering Council ("NANC"), concerning the implementation of national standards for number pooling. The letter states in part:

> . . . NANC plays an important role in facilitating the development of an industry consensus on how number pooling should be implemented and the Bureau fully supports NANC's current efforts in studying pooling and preparing a report for the Commission's consideration. We also believe that efforts by state commissions will provide useful information that should help further the development of this capability. It is our hope that the NANC and the state commissions will work cooperatively on these issues. The NANC is encouraged to respond to state commission requests for information regarding the NANC's work in studying pooling, and, where possible, to use information obtained from state commissions in developing the NANC report. *The NANC's report on national number pooling standards will be critical to the implementation of a technology that may alleviate the recurring problem of area code exhaust.* For this reason, we request that NANC submit its report to the Commission six months from the date of this letter. It would be most helpful for the Bureau if the NANC's report could be sufficiently detailed to support, both technically and operationally, a uniform, nationwide system for pooling by December, 1999. (emphasis added)

Thus, the NANC will not be making its recommendations to the Commission on national number pooling standards until September 23, 1998, and the Commission does not anticipate implementation of a uniform, nationwide system for number pooling until the end of 1999. In view of this timetable, it is premature for the Commission to consider how a service-specific or technology-specific area code overlay would affect number pooling.

Moreover, even if wireless number pooling is implemented at a later time than wireline number pooling (due to the need to implement local number portability prior to the implementation of number pooling and the later implementation of wireless local number portability), the implementation of a wireless-only area code would not advance number pooling. The reason is simple -- the wireless carriers will have the same needs for NXX codes, whether they are sharing area codes with wireline carriers or have a separate area code. In other words, the combined total number of NXX codes needed by wireless carriers (without number pooling) and by wireline carriers

(with number pooling) will be the same, regardless of the type of area code relief used. When the number of NXX codes needed exceeds the number of NXX codes available in one area code, area code relief is required.

C. The initiation of a rulemaking proceeding would not serve the public interest.

The initiation of a rulemaking proceeding would not serve the public interest for a number of reasons. First, as discussed above, the Commission's rules on area code relief were adopted less than two years ago, and these rules support the Congressional goal for a national telecommunications framework that promotes competition and encourages rapid deployment of new telecommunications technologies. Competition continues to grow in the wireless telecommunications marketplace, including Connecticut. This is not the time for the Commission to prematurely terminate its technology-neutral position.

Second, a service-specific overlay, as contemplated by the CTDPUC in its February 18, 1998 Decision,[22] would have an adverse impact on existing wireless customers and not on existing wireline customers. As the Commission discussed in the *Ameritech Order,* a "take back" of telephone numbers that affects only wireless customers constitutes an unreasonable practice in violation of Section 201(b) of the Act and an unjust discrimination in violation of Section 202(a) of the Act.[23] If all current wireless customers were required to migrate to a new wireless area code, the customer inconvenience and expense caused by the need to change telephone numbers would be

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[22] *DPUC Review of Management of Telephone Numbering Resources in Connecticut,* Docket 96-11-10, Decision, February 18, 1998 (copy attached to CTDPUC petition).

[23] *Ameritech Order,* 10 FCC Rcd at 4608, 4611.

enormous and would fall on wireless customers only. Unlike wireline customers, most wireless subscribers would face the additional burden of needing to physically re-program their telephones with the new telephone numbers, which would entail bringing each telephone to an authorized service center, where it might require a wait of several hours while a technician dismantles, re-programs, tests, and reassembles the telephone. In addition, the education and re-programming effort would be quite costly.[24]

In its petition, CTDPUC suggests that "the overwhelming suggestion made by members of the general public was to assign area codes to specific telecommunications services and/or technologies."[25] However, the small group of individuals (fewer than 20 people) who commented hardly constitutes a groundswell of opinion. On the other hand, the Office of Consumer Counsel ("CTOCC"), which is charged by the CTDPUC to represent the consumer interest, commented strongly in favor of an all services area code overlay during the course of the CTDPUC proceeding in Docket 96-11-10. The main concern expressed by the CTOCC was the burden that would be placed on consumers if they were again required to change their area codes. The CTOCC stressed that an all services area code overlay would avoid placing the burden of changing telephone numbers

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[24] For example, when Connecticut implemented the 860 area code split several years ago, SNET Mobility's costs associated with reprogramming customer units averaged roughly $50 per subscriber, which costs necessarily added to the overall cost of offering services to consumers. In the end, wireless customers who did not bring in their telephones for reprogramming before the end of the permissive dialing period lost their ability to receive calls until they brought their telephones in; this diminution in service was permanent if they never brought in their telephones for reprogramming. SNET Mobility had approximately 10,000 customers who never brought in their cellular telephones for reprogramming. SNET Mobility testified to these issues at a hearing before the CTDPUC held on May 27, 1997, CTDPUC Docket No. 96-11-10, Tr. at 265-277.

[25] CTDPUC petition at 5-6.

on consumers.[26]

The CTDPUC also suggested that a wireless-only overlay would be beneficial to wireline customers in the event that wireless Calling Party Pays is implemented because wireline customers would know by the area code whether they would be paying any airtime charges.[27] The implementation of Calling Party Pays would hardly be a reason to make numerous wireless subscribers and carriers undergo the trouble and expense of an area code change, because it could not help consumers in the manner suggested by the CTDPUC. If the Commission adopts a policy in favor of wireless-only area codes, there could potentially be so many wireless-only area codes across the country that consumers would be unable to remember which area codes are wireless and which are wireline. In addition, there are other ways to notify the consumer that the charges for a telephone call will include the airtime charges of the called party. These alternatives are currently being addressed in WT Docket No. 97-207, the Calling Party Pays proceeding.

Third, the initiation of a rulemaking proceeding would further delay much needed area code relief in Connecticut to the severe detriment of all users of telecommunications services. In its February 18, 1998 Decision, the CTDPUC adopted various number conservation measures, including rate center consolidation, number portability and number pooling.[28] The CTDPUC also concluded that it would implement area code relief by ordering a wireless-only area code overlay after obtaining authorization from the Commission.[29]

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[26] CTDPUC Decision at 6-9.

[27] *Id.* at 10.

[28] CTDPUC February 18, 1998 Decision at 35-41, 42-44.

[29] *Id.* at 41-42, 44.

Nevertheless, as discussed earlier, it is clear that number pooling cannot be implemented in Connecticut before the Commission implements national standards for number pooling by the end of 1999. Thus, the primary number conservation technique adopted by the CTDPUC cannot have any substantial impact on delaying number exhaust in the 203 and 860 area codes. Faced with this problem, the Central Office Code ("NXX") Administrator in Connecticut, in accordance with Section 8.3 of the Industry Numbering Committee (INC) Guidelines, declared "both the 203 and 860 area codes in jeopardy of exhausting unassigned NXX codes before normal relief methods can be implemented."[30] The NXX Administrator predicted that, without intervention, the 203 area code will face exhaust in December of 1999, and the 860 area code in September of 1999.[31]

Connecticut is already facing a numbering crisis, which has the potential to limit the availability of new services to customers. The Commission should speedily reaffirm its sound prior decisions and urge the CTDPUC as well as the interested parties in the state proceeding to tackle forthwith the difficult decision to implement either an all services area code overlay or a geographic split. The SNET Wireless Companies share the CTDPUC's concern to conserve and prolong the use of telephone numbers within the two area codes and endorse the CTDPUC's goal of more efficient use of numbering resources. However, if the Commission's proceeding on the CTDPUC petition remains pending, this could inadvertently encourage parties in Connecticut to postpone addressing the difficult issues connected with area code relief.

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[30] Southern New England Telephone Company ("SNET Telco") letter of April 21, 1998 to All NXX Code Holders in Connecticut at 1. A copy is attached hereto as Exhibit 1. The CTDPUC took administrative notice of the SNET Telco letter on April 30, 1998. A copy is attached hereto as Exhibit 2.

[31] SNET Telco letter of April 21, 1998 at 1.

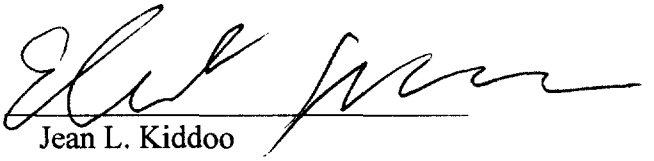
III. Conclusion

There is no need for the Commission to initiate a rulemaking proceeding. As discussed in Section II.A, the only change in circumstances since the Commission adopted the *Ameritech Decision* and the *Local Competition Decision* is that the level of wireless competition has increased, and as a result there exists increased potential for competition between wireless and wireline services. As discussed in Section II.B, the implementation of service-specific or technology-specific area code overlays would not promote number conservation efforts. Lastly, as discussed in Section II.C, the initiation of a rulemaking proceeding would not serve the public interest. Because there is no tangible benefit to a service-specific or technology-specific area code overlay, yet there would be substantial harm to the carriers and their subscribers, the SNET Wireless Companies strongly urge

the Commission to deny the Petition for Rulemaking filed by the Connecticut Department of Public Utility Control.

Respectfully submitted,

SNET CELLULAR, INC.
SNET MOBILITY, INC.
SPRINGWICH CELLULAR LIMITED PARTNERSHIP

By: 
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(202) 424-7500

May 7, 1998

EXHIBIT 1

Subject: Jeopardy Status Notification
203 and 860 NPAs

Southern New England Telephone
555 Long Wharf Drive, 4th Floor
New Haven, Connecticut 06511
Phone (203) 553-3271
Fax (203) 553-2781

Joanie L. Houghton
Director
Network Services and Applications

SNET
We go beyond the call

April 21, 1998

To: All NXX Code Holders in Connecticut

SNET, as Central Office Code (NXX) administrator in Connecticut, and in accordance with Section 8.3 of the Industry Numbering Committee (INC) Guidelines[1], hereby declares both the 203 and 860 NPA codes in jeopardy of exhausting unassigned NXX codes before normal relief methods can be implemented. Based on the number of NXX code requests received in 1997 and the number of remaining NXX codes as of this date, without intervention, 203 is projected to exhaust in December 1999, and 860 in September of 1999. Special conservation measures documented in Section 8.4 of the Guidelines will be invoked immediately. Paragraph 8.4B states the following:

"Upon receipt of the notice of the jeopardy situation from the Code Administrator, each code holder will review their forecast and demand data and provide the information to the Code Administrator within 30 days using the 'Jeopardy COCUS' form (Appendix E)."

This form is provided as Attachment 1 to this letter. Please fill out one form for each NPA, and return them to me by June 1, 1998.

You are invited to attend a meeting to discuss the special conservation procedures enumerated in Section 8.4, and to assist in the development of extraordinary NPA-specific conservation procedures, per Section 8.5, that will be put in place until relief can be implemented. For your consideration, Attachment 2 is a copy of the extraordinary NPA-specific jeopardy conservation procedures announced for the 909 NPA in California. Please be advised that with the exception of code requests that are already in our possession there will be a moratorium on the assignment of new NXX codes until we have extraordinary jeopardy procedures in place.

Logistics for this meeting are as follows:

Date:	Friday, May 15, 1998
Time:	1:00 PM - 5:00 PM
Location:	Room 12A 1st Floor 545 Long Wharf Drive New Haven, CT 06711

[1] Central Office Code (NXX) Assignment Guidelines, INC 95-0407-008, Reissued April 1997

Conference Bridge: 203-498-0057, ask for the SNET-Robins conference

Please RSVP to Ginny Austin at 203-553-3176 by May 6, 1998. Please provide the name, call back number, fax number, and email address for the person who will attend the meeting. Indicate whether you will be attending in person or by the conference bridge as we have only 10 ports reserved. We will advise by email or fax if we need to change meeting logistics as soon as we have a head count. If you are unable to send a representative to the meeting, please provide Ginny Austin the above requested information to ensure that you receive future communications.

Attachment 3 provides directions to 545 Long Wharf Drive. After you park, you must exit the garage and come across the ground level covered walkway to enter the rear building entrance. From the rear entrance go straight through, passed the first set of elevators. Take a left turn just past the elevators. Continue down the corridor until you pass the second set of elevators. Take a right past the elevators and another right into the conference center area. Room 12A is the first large room on the left. Note that the Water Club restaurant is available for lunch on the ground floor of 545 Long Wharf Drive, across from the conference center.

If you have any questions or require any additional information on this topic, please call me at 203-553-3271 or Howard Robins at 203-553-2558.

Jeanie L. Houghton

Attachments

APPENDIX E
Revised September 1996

☐ Initial

☐ Follow-up

JEOPARDY NPA

Central Office Code Utilization Survey Worksheet

Company: _____ NPA: _____

Location (State, Province or Country): _____

COCUS Administrator: _____ Phone: _____

← Actual → ← Forecasted Requirements →

Description	As of 5/1/98	(+3 mos) 8/1/98	(+6 mos) 11/1/98	(+9 mos) 2/1/99	(+12 mos) 5/1/99	(+18 mos) 11/1/99	(+24 mos) 5/1/00	(+36 mos) 5/1/01
1. Reserved Codes								
2. Protected Codes								
3. Plant Test Codes								
4. Special Codes								
5. Local Exchange Carrier Codes								
6. Interexchange Carrier Codes								
7. Commercial Mobile Radio Carrier (CMRS) Codes								
8. Total Codes (Sum of Lines 1 - 7)								

Return completed form to:

No later than: 6/1/98

SNET
Jeanie L. Houghton
555 Long Wharf Drive
New Haven, CT 06511

Attachment 1

Attachment 2

LOCKHEED MARTIN

NORTH AMERICAN NUMBERING PLAN PLANNING LETTER

Number: PL-NANP-115

Date: March 2, 1998

From: R. C. Breidenbaugh - NANP Administration
202 756-5779; E-mail : rose.breidenbaugh@nanpa.com

Subject: Extraordinary NPA-Specific Jeopardy Conservation Procedures Announced for 909 NPA (California)

We have been notified by the California/Nevada Code Administration (CNCA), the administrator for California and Nevada Numbering Plan Areas (NPAs), that because number demand has increased beyond normal forecasts, the 909 NPA is in jeopardy of exhausting prior to when relief can be provided. According to the *Central Office Code (NXX) Assignment Guidelines* (document INC 95-0407-008), "A jeopardy condition exists when the forecasted and/or actual demand for NXX codes exceed the known supply during the planning/implementation interval for relief." The purpose of this announcement is to announce that extraordinary NPA-specific conservation measures as defined in Section 8.5 of the *Central Office Code (NXX) Assignment Guidelines* have become necessary for the 909 NPA.

CNCA has advised the NANPA that for the 909 NPA in extraordinary NPA-specific conservation status a freeze on all NXX code assignments is now in effect. All remaining NXX codes in the 909 NPA will be rationed through the California NXX Code lottery process established in CPUC D96-09-087, dated September 20, 1996 until relief is provided in accordance with the 909 NPA relief plan. The attached document, *Rationing and Allocation Process of NXX Codes*, describes the lottery process. Questions concerning the relief of the 909 NPA, or about the NPA-specific conservation procedures can be directed to H. Douglas Hescox, Area Code Administrator, California/Nevada Code Administration, at 510-823-2880.

Questions concerning this letter may be directed to Rose Breidenbaugh, on 202-756-5779.

R. C. Breidenbaugh
North American Numbering Plan Administratio